

September 14, 2020

Water Policy Interim Committee  
Montana Legislature  
Helena, Montana

Mr. Chairman and respected members of the Water Policy Interim Committee,

My name is David Shively and I am a member of the Executive Committee of the Clark Fork and Kootenai River Basins Council (the Council). Please accept this brief report on behalf of the Council and its Executive Committee on water planning activities in the Clark Fork and Kootenai River basins. This report is provided, in part, in relation to MCA 85-2-350 titled Clark Fork River Basin Task Force. The Clark Fork River Basin Task Force (the Task Force) is a statutorily authorized entity, to be convened by an appropriate entity identified by the Governor's Office (e.g., the Montana Department of Natural Resources and Conservation, or the Department or DNRC), that has the charge of making recommendations, if recommendations are considered necessary, to the department for consideration as amendments to the state water plan provided for under MCA 85-1-203, among other things.

As you know from previous testimony provided to WPIC by myself and the Montana Watershed Coordination Council's (MWCC) Executive Director, the Council was created to function as a Basin Advisory Council following completion of the 2014 Clark Fork and Kootenai River Basins Water Plan by the Task Force. The Task Force essentially became defunct following the completion of the plan as a result of the curtailment of programmatic and logistical support from the Department following completion of the 2015 State Water Plan. Some of its members desired to continue to work towards implementation of the plans and convened a meeting of basin stakeholders in 2017 from which the Council was born. The Council is not the Task Force as it is not recognized in statute (i.e., MCA 85-1-203) even though it utilized the Task Force as a model for its activities.

Water planning related activity in the basins by the Council, which functions more as a regional coordination entity, has been limited due to continuing funding and personnel challenges experienced by the Department, by the current pandemic, and by logistical challenges faced in convening stakeholders for any planning or related activities. The Council had benefitted from a DNRC Watershed Management Grant to build capacity and engage in outreach during the period 2018-2019, and is now re-engaging with the Montana Watershed Coordination Council to rebuild momentum and recover ground lost since the pandemic hit in March of 2020. It had your support in the 2019 Legislative Session to advance a bill that would have amended the



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State Water Plan statute (MCA 85-1-203) to explicitly recognize the Council and define membership criteria for basin advisory councils, and to repeal the Task Force statute (MCA 85-2-350). Senator Cohenour carried the bill which passed the Senate Natural Resources Committee with amendments, but which died in the House Natural Resources Committee. That was unfortunate as success in passing the bill into law would have produced more clarity about the actual state of affairs as concerns the structure of regional scale water planning activities in the Clark Fork and Kootenai basins.

In closing I must reiterate that this report does not come from the Task Force – that entity is not functioning at the present time and has been succeeded by the Council, which does not have a reporting requirement.

With respect,



David Shively

Executive Committee

Clark Fork and Kootenai River Basins Council



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